

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

REMY AUGUSTIN,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-07-1288-F
)	
JOHN DOE,)	
)	
Defendant.)	


ORDER

On December 28, 2007, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that plaintiff's cause of action be dismissed without prejudice for failure to pay the initial partial filing fee or to show cause for his failure to do so. Magistrate Judge Purcell advised plaintiff of his right to file an objection to the Report and Recommendation by January 17, 2008 and that failure to make timely objection to the Report and Recommendation waived his right to appellate review of both factual and legal issues therein contained.

To date, plaintiff has neither filed an objection to the Report and Recommendation nor filed a motion seeking an extension of time to file such objection. With no objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on December 28, 2007 (doc. no. 5) is **ACCEPTED, ADOPTED, and AFFIRMED**. Plaintiff's action against defendant is **DISMISSED WITHOUT PREJUDICE**.

DATED January 31, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE